UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,311	05/01/2001	Ravesh Lala	RSW920010070US1	4707

7590 08/11/2005	EXAMINER
ANDREW CALDERON	VU, THONG H
MCGUIRE WOODS LLP	

ART UNIT	PAPER NUMBER
2142	

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DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 July 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-4 and 6-21</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-4 and 6-21</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

1. Claims 1-4,6-21 are pending. Claim 5 is canceled.

Response to Arguments

2. Applicant's arguments filed 7/27/05 with respect to claims 1-20 have been

considered but are moot in view of the new ground(s) of rejection. This is Non-

Final Office Action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4,6-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable by

Eggleston et al [Eggleston 6,061,660] in view of Lakritz [5,586,198].

3. As per claim 1, Eggleston discloses a method for enabling a web server to

provide a commercial promotion [Eggleston, Weber server, an incentive program

with award, col 6 lines 25-45, Fig1], comprising the act of:

detecting a qualifying value (i.e.: a prize, award, reward) of a commercial

transaction [Eggleston, prompted to select prizes, col 14 line 66-col 15 line 15;

col 19 lines 55-66; col 20 lines 33-67; monitoring behavior, col 39 lines 52-64;

filtering, col 41 lines 5-25];

when a promotion that includes the qualifying value is present in the

database, <u>associating the qualifying value of the promotion with a module of</u>

<u>selectively executable compiled web server code residing on a server's body of</u>

compiled code, selecting the module of selectively executable compiled web

server code, and executing the module of selectively executable compiled web

server code that provides the promotion [Eggleston, a database with incentive

program, col 12 lines 12-18;49-57;col 3 3 lines 38-52; select program associate

with the predetermined type of reward, col 14 lines 25-50,col 15 lines 27-55, col

17 line 57-col 18 line 32,col 19 lines 1-67col 20 lines 1-32,col 26 lines 1-22,62-

67,col 29 lines 20-37,col 30 lines 47-67col 31 line 25-col 32 line 64, col 35 lines

38-47, col 36 lines 1-20, col 39 lines 28-50, col 41 lines 5-38].

wherein the associating is made explicitly by pointers that are included in

terms of the promotions [Eggleston, a pointer, col 34 lines 1-20].

Eggleston also discloses check to access database [Eggleston, col 40

lines 7-24;col 44 lines 5-63]. However Eggleston does not explicitly detail

"checking a database of promotions for presence of a promotion that includes the

qualifying value";

It was well-known in the database art that a search engine can search by

a specified qualifying parameters or keywords as taught by Lakritz [Lakritz,

abstract].

Therefore it would have been obvious to an ordinary skill in the art at the

time the invention was made to incorporate the search limited by specified

qualifying parameters as taught by Lakritz into the Eggleston's apparatus in order

to utilize the database search. Doing so would provide the consumer a simple,

fast, easy to use system for generating, identifying and recognizing the interested

subjects [Lakritz, col 3 lines 65-col 4 line 3].

4.   Claim 2 contains the similar limitations set forth of claim 1. Therefore,

claim 2 is rejected for the similar rationale set forth in claim 1.

5.   As per claims 3,13 Eggleston-Lakritz disclose the module is associated

with the reward value by a pointer of the pointers [Eggleston, a pointer, col 34

lines 1-20].

6.   As per claims 4,14 Eggleston-Lakritz disclose the pointer is in the

database [Eggleston, a pointer, col 34 lines 1-20].

7.   As per claim 5, Eggleston-Lakritz disclose including the act of advancing a

promotion counter in response to executing the module [Eggleston, paid in

advance by the sponsoring firm, col 41 lines 5-26].

8.   As per claims 6,15 Eggleston-Lakritz disclose the module is associated

with the reward value implicitly [Eggleston, associate the award with the incentive

program, col 157 lines 8-23].

9.   As per claim 7, Eggleston-Lakritz disclose A method for enabling a web

server to provide a commercial promotion, comprising the acts of:

detecting a qualifying value of a commercial transaction [Eggleston,

prompted to select prizes, col 14 line 66-col 15 line 15; col 19 lines 55-66; col 20

lines 33-67; monitoring behavior, col 39 lines 52-64; filtering, col 41 lines 5-25];

checking a database of promotions for presence of a promotion that

includes the qualifying value [Lakritz, the search may be limited by specified

qualifying parameters, abstract];

when a promotion that includes the qualifying value is present in the

database, determining whether the promotion that includes the qualifying value is

active [Eggleston, current status of the prize in the database, col 21 lines 3-27;

current incentive program, col 26 lines 30-61]; and

when the promotion that includes the qualifying value is active,

determining a reward value of the promotion that includes the qualifying value

[Eggleston, determine a win, col 26 lines 30-61; col 31 lines 25-col 32 line 20]

and executing a module of selectively executable compiled code associated with

the reward value [Eggleston, the generated code, col 32 lines 21-52].

10.   As per claims 8,18 Eggleston-Lakritz disclose the act of determining

whether the promotion that includes the qualifying value is active further includes

the act of checking a start date [Eggleston, the beginning date and the ending

date of the incentive program, col 33 lines 39-52].

11.   As per claims 9,19 Eggleston-Lakritz disclose the act of determining

whether the promotion that includes the qualifying value is active further includes

the act of checking a stop date [Eggleston, the beginning date and the ending

date of the incentive program, col 33 lines 39-52].

12.   As per claims 10,16,20 Eggleston-Lakritz disclose the act of advancing a

promotion counter in response to executing the module [Eggleston, paid in

advance by the sponsoring firm, col 41 lines 5-26].

13.   As per claim 11, Eggleston-Lakritz disclose a Programmable media

containing programmable software for enabling a web server to provide a

commercial promotion, the programmable software comprising the steps of:

        detecting a qualifying value of a commercial transaction [Eggleston,

prompted to select prizes, col 14 line 66-col 15 line 15; col 19 lines 55-66; col 20

lines 33-67; monitoring behavior, col 39 lines 52-64; filtering, col 41 lines 5-25];

        checking a database of promotions for presence of a promotion that

includes the qualifying value [Lakritz, the search may be limited by specified

qualifying parameters, abstract]; and

        when a promotion that includes the qualifying value is present in the

database, executing a module of selectively executable compiled web server

code that provides the promotion [Eggleston, determine a win, col 26 lines 30-61;

col 31 lines 25-col 32 line 20; the generated code, col 32 lines 21-52].

As per claim 21, Eggleston-Lakritz disclose the programmable software enables one of adding, ending and changing of the promotion by interacting with the database through a database editor [Eggleston, an editor, col 47 lines 18].

14.   As per claim 12, Eggleston-Lakritz disclose Programmable media containing programmable software for enabling a web server to provide a commercial promotion, the programmable software comprising the steps of:

detecting a qualifying value of a commercial transaction [Eggleston, prompted to select prizes, col 14 line 66-col 15 line 15; col 19 lines 55-66; col 20 lines 33-67; monitoring behavior, col 39 lines 52-64; filtering, col 41 lines 5-25];

checking a database of promotions for presence of a promotion that includes the qualifying value [Lakritz, the search may be limited by specified qualifying parameters, abstract];

when a promotion that includes the qualifying value is present in the database, determining a reward value of the promotion that includes the qualifying value [Eggleston, current status of the prize in the database, col 21 lines 3-27; current incentive program, col 26 lines 30-61]; and

executing a module of selectively executable compiled code associated with the reward value [Eggleston, determine a win, col 26 lines 30-61; col 31 lines 25-col 32 line 20; the generated code, col 32 lines 21-52].

15.   As per claim 17, Eggleston discloses a Programmable media containing

programmable software for enabling a web server to provide a commercial

promotion, the programmable software comprising the steps of:

detecting a qualifying value of a commercial transaction [Eggleston,

prompted to select prizes, col 14 line 66-col 15 line 15; col 19 lines 55-66; col 20

lines 33-67; monitoring behavior, col 39 lines 52-64; filtering, col 41 lines 5-25];

checking a database of promotions for presence of a promotion that

includes the qualifying value [Lakritz, the search may be limited by specified

qualifying parameters, abstract];

when a promotion that includes the qualifying value is present in the

database, determining whether the promotion that includes the qualifying value is

active [Eggleston, current status of the prize in the database, col 21 lines 3-27;

current incentive program, col 26 lines 30-61]; and

when the promotion that includes the qualifying value is active,

determining a reward value of the promotion that includes the qualifying value

and executing a module of selectively executable compiled code associated with

the reward value [Eggleston, determine a win, col 26 lines 30-61; col 31 lines 25-

col 32 line 20; the generated code, col 32 lines 21-52.

Any inquiry concerning this communication or earlier communications from
the examiner should be directed to examiner *Thong Vu*, whose telephone
number is (571)-272-3904. The examiner can normally be reached on Monday-
Thursday from 8:00AM- 4:30PM.
If attempts to reach the examiner by telephone are unsuccessful, the
examiner's supervisor, *Andrew Caldwell*, can be reached at (571) 272-3868. The

fax number for the organization where this application or proceeding is assigned
is 571-273-8300

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Thong Vu
Patent Examiner
Art Unit 2142